

REMARKS

Claims 45-51, 53-60, and 62-71 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 45-51, 53-60, and 62-71 are rejected under 35 U.S.C. §103(a) as being unpatentable over Meyer et al. (U.S. Patent 6,829,368) in view of Montulli (U.S. Patent 5,744,670). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Meyer et al. discloses a decoder which collects identifiers in response to a user request while the objects containing these identifiers are being played. In order to capture the identifier, the decoder includes an interface having a button used by the user to request information about the objects. When selected, the decoding device packages a message including the identifier, and invokes a communication application, such as an Internet Browser. The invoked communication application forwards the provided identifier as a message to a server. (Col. 13, lines 4-27, col. 16, line 61 to col. 52). However, while the communication application forwards the identifier in a message prepared by the decoder apparatus, there is no suggestion that the communication application stores the content identifier as opposed to the decoder interface or the decoder apparatus.

In order to cure this deficiency, the Examiner asserts on page 2 of the Office Action that storage inherently precedes transmission and provides a portion Kurose et al., "Computer Networking: A Top Down Approach Featuring the Internet," pp. 383-385 (Addison Wesley Longman Inc. (2001) evidencing that a network interface card includes RAM. As an initial point of clarification, it is noted that the instant application has a U.S. filing date of July 13, 2001. In contrast, the copyright date of Kurose et al. is 2001, indicating that Kurose et al. was published sometime in 2001. Since the Examiner has not provided evidence as to whether Kurose et al. was published before or after July 13, it is respectfully submitted that there is insufficient evidence of record that Kurose et al. represents the state of the art necessarily utilized by the Meyer et al. as is required to utilize Kurose et al. in the context of anticipation and/or inherency.

Additionally, it is further respectfully submitted that there is insufficient evidence of record that an Internet browser (as opposed to a network interface card) necessarily provides local storage where the message is prepared by another device invoking the Internet browser. Indeed, Kurose et al. is merely directed to a network interface card including RAM, but does not set forth that an Internet browser provides such storage, why such local storage would be as a

Cookie, or why such local storage would be of a file prepared by and stored by a browser of the reproducing apparatus. Where the Examiner is relying on a feature as being inherently disclosed in a reference, it is incumbent on the Examiner to provide evidence that such a feature both necessarily exists in the reference, and exists in a manner which is the same as presented in the claims. In re Robertson, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999), Manual of Patent Examination Procedures 2112. Since the Examiner has not provided such evidence corresponding to the invention as claimed, it is respectfully submitted that the Examiner has not provided sufficient evidence to rely on Meyer et al. inherently disclosing such features as set forth in the Office Action and as is required to disclose the features of claims 45, 51, 54, 58, 59, 62-64, 66, and 68.

Since Montulli is not relied upon as disclosing this feature, it is respectfully submitted that the combination does not disclose or suggest, among other features, "a controller for storing the contents identifier provided by the identifier provider as a Cookie file, transmitting the stored contents identifier through the network connector to a server system, which provides additional information related to the contents through the network connector, and receiving through the network connector the additional information provided from the server system after the stored contents identifier was transmitted" as recited in claim 45.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest, among other features, "receiving a file including an identifier of predetermined contents from a reproduction apparatus for reproducing the contents, the file being prepared by and stored by a browser on the reproduction apparatus prior to transmission to the server" as recited in claim 51; "a controller to control the browser to prepare and store the file including the identifier from the identifier provider prior to transmission to the server, to use the browser to transmit the stored identifier to the server through the network connector, to use the browser to receive the retrieved one additional information item transmitted from the server through the network connector corresponding to the transmitted identifier, and to control a display of the received one additional information item" as recited in claim 54; "preparing and storing the detected contents identifier in the Cookie file for use in a subsequent transmission by the apparatus to a server system providing additional information related to the predetermined contents through a network connector of the apparatus in response to the sent Cookie file" as recited in claim 59; or that the "the controller controls the browser to prepare and store the Cookie file with the contents identifier in the prepared Cookie file, and uses the browser to transmit the stored Cookie to the server system and to receive the additional information provided from the server system after transmitting the stored Cookie" as recited in claim 66.

On page 3 of the Office Action, the Examiner acknowledges that Meyer et al. does not disclose transmitting a contents identifier in a Cookie file. In order to cure this deficiency, the Examiner relies upon Montulli to disclose that it is well known to use Cookie files for data transmission. As a motivation, the Examiner asserts that one skilled in the art would have been motivated to use Cookie files for data transmission since Cookie files were known in the art as a data transmission scheme utilized in web browsers. Further, on page 2 of the Office Action, the Examiner clarifies that since Montulli teaches the use of a Cookie as a container for transmission of state information, and the transmission of Meyer et al. is of a message containing the contents identifier as state information, one skilled in the art would have been motivated to use cookie technology as suggested in Montulli as the container sent by Meyer et al.

However, to the extent Meyer et al. suggests the decoder preparing a message and invoking the Internet browser solely to transmit the contents identifier in a message, Meyer et al. does not suggest a need for the creation of the Cookie file with the contents identifier since Meyer et al. does not rely upon the Internet browser for more than relaying messages. Thus, to the extent that the message of Meyer et al. is a container for the contents identifier, it is unclear as to why one skilled in the art would utilize cookie technology as the particular delivery mechanism for this container.

Indeed, to the extent the cookie technology of Montulli is widely used throughout the internet, Montulli teaches that such use is restricted to the context of client server relationships where the state of the client in this relationship cannot otherwise be maintained in client server system. (Col. 2, lines 15-21 of Montulli). Thus, Montulli discloses using Cookie files sent from a server to a client so that, when the client later accesses the same server, the client information is maintained with respect to the server by sending the cookie to the same server. (Col. 9, lines 45-65 and Example 1 of Montulli). There is no suggestion that the same or another Cookie file is pre-generated at the client prior to contact with the server so as to be independent of the Cookie file provided by the server. There is further no suggestion of an advantage to using the Cookie files in other contexts, especially since many types of internet messages (e.g., email, SMS) do not require cookie technology.

Lastly, there is no suggestion that the contents identifier of Meyer et al. is needed to maintain a client server relationship such that the contents identifier of Meyer et al. would not be understood as a type of state information described in the context of Montulli.

As such, any such wide use relied upon by the Examiner has not been shown with

respect to other contexts, such as that in Meyer et al. Thus, even assuming that cookie technology is in widespread use to maintain a client server relationship, there is insufficient evidence that such wide spread use, in and of itself, is sufficient to evidence why one skilled in the art would be motivated to modify Meyer et al., which does not describe messaging in the context of maintenance of a client server relationship, to use cookie technology as a message/container for a contents identifier.

In view of the above, it is respectfully submitted that there is insufficient evidence of record as to why one skilled in the art, knowing the evidence of record, would modify Meyer et al. in order to use a cookie disclosed in Montulli. Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 45-51, 53-60, and 62-71.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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